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Attorney Docket No. 12015US05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT APPLICATION OF:

JOY A. ROBERTS,
MARIAN VAN DER GEEST,
JEAN ST-PIERRE,
DAVID P. WILKINSON,
ALVIN LEE and
STEPHANIE MOROZ

SERIAL NO. 09/822,693

FILED: MARCH 30, 2001

FOR: METHOD AND APPARATUS FOR
INCREASING THE TEMPERATURE
OF A FUEL CELL

GROUP ART UNIT 1745

EXAMINER: J. Crepeau

CERTIFICATE OF MAILING

I hereby certify that this
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Date: April 25, 2003

By: Michael B Harlin
Michael B. Harlin
Registration No. 43,658

TERMINAL DISCLAIMER

Commissioner of Patents
Washington, D.C. 20231

Sir:

The undersigned represents that he is a representative
authorized to sign on behalf of the assignee identified below
owning all of the interest in the above-identified patent
application.

05/02/2003 HGUTEMAI 00000078 09822693

01 FC:1253 930.00 OP
02 FC:1814 110.00 OP

The assignee of the above-identified application is Ballard Power Systems Inc., a corporation organized and existing under the Canadian Business Corporations Act, and having a place of business at 9000 Glenlyon Parkway, Burnaby, British Columbia, Canada V5J 5J9.

The assignment of the above-identified application to Ballard Power Systems Inc. was recorded in the U.S. Patent and Trademark Office on July 23, 2001, at Reel 011999, Frame 0441.

U.S. Patent No. 6,096,448, entitled "Method And Apparatus For Operating An Electrochemical Fuel Cell With Periodic Fuel Starvation At The Anode", which issued on August 1, 2000, is also assigned to Ballard Power Systems Inc. The assignment from all but one of the individual named inventors (David P. Wilkinson, Clarence Y.F. Chow, Erik P. Johannes, Joy A. Roberts, Jean St-Pierre, Cindy J. Longley, And John K.K. Chan) to Ballard Power Systems Inc. was recorded in the U.S. Patent and Trademark Office on July 2, 1998, at Reel 9353, Frame 0423. The assignment of the interest of the final named inventor, Derek E. Allan (deceased), through his administrator Patricia Joanne Allan, to Ballard Power Systems Inc. was recorded in the U.S. Patent and Trademark Office on April 15, 1998, at Reel 9127, Frame 0830.

Ballard Power Systems Inc. hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration of U.S. Patent No. 6,096,448 issued on August 1, 2000, and Ballard Power Systems Inc. hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,096,448, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

The evidentiary documents referred to in this Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of assignee Ballard Power System Inc.'s knowledge and belief, title is in the assignee.

A check for \$1040.00 to cover the fee for submitting a Terminal Disclaimer (along with the fee for a three-month extension) accompanies this submission. Please charge any additional fees, or credit any overpayment, incurred in connection with the submission of this Terminal Disclaimer to Deposit Account No. 13-0017.

Respectfully submitted,



Michael B. Harlin
Registration No. 43,658
Attorney for Applicants

Robert W. Fieseler
Registration No. 31,826
McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661

Telephone (312) 775-8000
Facsimile (312) 775-8100

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